UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Kristen M. Kulinowski, PhD
Board Member and Designated Interim Executive and Administrative Authority
U.S. Chemical Safety and Hazard Investigation Board
1750 Pennsylvania Ave., NW, Suite 910
Washington, D.C. 20006

Dear Dr. Kulinowski:

Thank you for your letter of April 23, 2019, to Environmental Protection Agency (EPA) Administrator Andrew Wheeler, in which the CSB encourages EPA to initiate a review and update of EPA's 1993 hydrofluoric acid (HF) study. Administrator Wheeler asked me to respond to you.

EPA does not intend to update the Agency's 1993 HF study. EPA complied with the CAA Section 112(n)(6) requirement to complete a study of the potential hazards of HF and the uses of HF in industrial and commercial applications to public health and the environment in 1993. Section 112(n)(6) was a one-time requirement – the CAA does not require EPA to update the study. Additionally, EPA does not believe that updating the study would accomplish either of the objectives set out in your letter.

According to your letter, you desire an updated HF study to "determine whether these refineries' existing risk management plans are sufficient to prevent catastrophic releases; and, to determine whether there are commercially viable, inherently safer alkylation technologies for use in petroleum refineries." The 1993 HF study did not include these objectives - it did not require EPA to audit refinery risk management plans or to determine whether particular alkylation technologies were commercially viable or inherently safe. As indicated in the study, its purposes were to:

- gather information from producers, users, and other stakeholders in HF issues, and compile that information into a document for public dissemination;
- foster communication between the various stakeholders who have an interest in HF issues;
- gather information on technically sound methods with which to solve potential safety problems associated with the industrial production and uses of anhydrous HF; and
- identify issues and problems which remain to be solved.

At the time the HF study was published, the RMP rule had not yet gone into effect, but even if it had, EPA does not believe the HF study would have been the proper vehicle to determine whether refineries' risk management plans were sufficient to prevent catastrophic releases. In order to evaluate the sufficiency of risk management plans, EPA audits those plans and conducts on-site inspections at regulated facilities. EPA prioritizes inspections at RMP facilities with a history of accidental releases or that present other risk factors. When EPA finds significant non-compliance with RMP requirements, the Agency takes appropriate enforcement action to bring facilities into compliance. EPA is focused on

RMP, as demonstrated by EPA's National Compliance Initiative: "Reducing Risks of Accidental Releases at Industrial and Chemical Facilities."

Regarding inherently safer technologies, such determinations are situation-specific. Therefore, the Agency cannot make any general determination that a particular technology – whether used for alkylation or another process – is "commercially viable or inherently safer." EPA continues to believe that the owners and operators of individual facilities are usually in the best position to make such determinations.

Again, thank you for your letter. If you have additional information or any further questions regarding this topic, please feel free to contact me or your staff may contact Reggie Cheatham at (202) 564-8003 or by email at cheatham.reggie@epa.gov.

Sincerely,

Peter C. Wright
Assistant Administrator